

REMARKSClaim Changes

Claims 13, 14, and 15 are amended to more clearly recite the claimed invention.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Objection to the Claims

In response to the objection to claim 14 for informalities, Applicant has replaced the phrase "automatic fashion" with "automatically" for clarity as requested. Applicant respectfully requests that the objection be withdrawn.

Rejection of claims 13-15 under 35 U.S.C. § 112, second paragraph

Claims 13-15 were amended to remedy the rejection under 35 U.S.C. §112, second paragraph. Applicant submits that claims 13-15 as amended overcome this rejection. More particularly, Claim 13 now more clearly separates out the step of "notifying" and moves the elements pertaining to "verifying" up to the verification step:

"verifying the sufficiency of said at least one raster image to provide a useful definition of said three dimensional physical environment, said verifying step producing a verified set of data defining said three dimensional physical environment, wherein said verifying the sufficiency step includes scaling said at least one raster image;
notifying a user of results of said verification of sufficiency"

Accordingly, the rejections of claims 13 -15 may now be withdrawn.

Rejection of claims 1-20 under 35 U.S.C. § 102 (b) as being anticipated by US 5949988 (Feisullin)

Applicant respectfully traverses the rejection of claims 13-20. Claims 1-12 were previously cancelled.

Applicant respectfully submits that Feisullin does not anticipate, either expressly or inherently, each and every element as set forth in independent claim 13. For example, independent claim 13 recites “verifying the sufficiency of said at least one raster image to provide a useful definition of said three dimensional physical environment, said verifying step producing a verified set of data” “using the resulting verified set of data to generate at least one formatted drawing or a set of formatted data which includes at least one or more objects for use in and being transportable to a communications engineering or network management application” “rendering a three dimensional view representative of said physical environment using the drawing or set of formatted data having the at least one or more object” which is not anticipated either expressly or inherently, in Feisullin.

Feisullin is directed towards a method for simulating RF energy distribution. Operationally the method comprises obtaining a binary tree representation of a geometric environment in three-dimensions and forming a 3-D geometric database model. See Feisullin Abstract.

The Office Action on pages 3 and 4 states “[c]laim 13. Feisullin discloses...verifying the sufficiency of said at least one raster image to provide a useful definition of said three dimensional physical environment and notifying a user of results of said verification of sufficiency, said verifying step producing a verified set of data defining said three dimensional physical environment, wherein said verifying the sufficiency step includes scaling said at least one raster image (col. 5, lines 33-67).” Applicant respectfully disagrees.

Applicant has reviewed the entire Feisullin reference and can not locate “verifying the sufficiency of said at least one raster image to provide a useful definition of said three dimensional physical environment” as recited by independent claim 13. Applicant respectfully requests the Examiner to either give a citation describing the feature or withdraw the rejection.

Feisullin is col. 5, lines 33-67 describes that the user of the system is able to specify the location of a transmitter or transmitters in 3-D, the broadcast RF power requirements and antenna properties, the amount of broadcast sampling rays, and, the location of a sample plane of

RF power receiving bins in 3-D, e.g., six feet off the ground when determining RF coverage for automobile cellular phones. Specifically, the user may seamlessly integrate into the geometric model a representation of the RF power receiving bin locations as any other polygonal surface. Therefore, Feisullin merely describes that the user can virtually integrate network hardware elements into the 3-D representation. However, Feisullin fails to describe a method of verifying the sufficiency of the photogrammatic representation to provide useful definition of the environment to be modeled. Thus, Feisullin fails to disclose (emphasis added) “verifying the sufficiency of said at least one raster image to provide a useful definition of said three dimensional physical environment” as recited in independent claim 13.

In view of the above explanation, Applicant respectfully submits that because Feisullin does not describe verifying of the sufficiency of the said at least one raster image, Feisullin cannot describe “using the resulting verified set of data to generate at least one formatted drawing or a set of formatted data which includes at least one or more objects for use in and being transportable to a communications engineering or network management application” as recited by independent claim 13.

In view of the ongoing explanation, Applicant respectfully submits that Feisullin also does not describe or suggest "rendering a three dimensional view representative of said physical environment using the drawing or set of formatted data having the at least one or more object" as recited by independent claim 13.

Therefore, Applicant respectfully submits that claim 13 is not anticipated by Feisullin, and therefore the rejection of claim 13 under 35 USC 102(b) should be withdrawn. Applicant requests that claim 13 be passed to allowance.

Dependent claims 14-20 depend from, and include all the limitations of independent claim 13. Therefore, Applicant respectfully requests reconsideration of dependent claims 14-20 and requests the withdrawal of the rejection.

Rejection of Claims 21-30 under 35 U.S.C. § 103 (a) as being unpatentable US 5949988 (Feisullin)

Dependent claims 21-30 depend from, and include all the limitations of independent claim 13. Therefore, Applicant respectfully requests reconsideration of dependent claims 21-30 and requests the withdrawal of the rejection.

Conclusion

Applicant has reviewed the other references of record and believes that Applicant's claimed invention is patentably distinct and nonobvious over each reference taken alone or in combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

November 5, 2009

Motorola, Inc.
1303 East Algonquin Road
IL01 – 3rd Floor
Schaumburg, Illinois 60196
Customer Number: 24273

By: /Barbara R. Doutre/
Barbara R. Doutre
Attorney for Applicant
Registration No. 39,505
Tel. No. 954-723-6449
Fax No. 847-576-3750
Email: docketing.us@motorola.com